

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:	)	
Patricia Pernoski Fisk, CRNA	)	Docket No. NU38-0196
License No. 26-13591	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General Jeffrey L. Amestoy, and Respondent Patricia Pernoski Fisk who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.

2. Patricia Pernoski Fisk, of Bennington, Vermont, is a Registered Nurse Anesthetist with Prescriptive Authority licensed by the State of Vermont holding license number 26-13591.

3. At all times relevant, and without interruption through the present, Respondent was and is employed by St. Mary's Hospital of Troy, New York.

4. Respondent admits that on or about May 24, 1994, she willfully signed the name of a co-worker, J.M., on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 150 mg of Pentothal, a controlled substance, when in fact J.M. had not witnessed the wastage.

5. Respondent admits that on or about May 25, 1994, she willfully signed the name of a co-worker, J.M., on the

Anesthesia Controlled Drug Record, as having witnessed the wastage of 2 cc of Fentanyl, a controlled substance, when in fact J.M. had not witnessed the wastage.

6. Respondent admits that on or about May 27, 1994, she willfully signed the name of a co-worker, J.M., on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 7 cc of Fentanyl, a controlled substance, when in fact J.M. had not witnessed the wastage.

7. Respondent admits that on or about July 7, 1994, she willfully signed the name of a co-worker, J.M., on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 5 cc of Fentanyl, a controlled substance, when in fact J.M. had not witnessed the wastage.

8. Respondent admits that on or about July 22, 1994, she willfully signed the name of a co-worker, J.M., on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 11 cc of Fentanyl, a controlled substance, when in fact J.M. had not witnessed the wastage.

9. Respondent admits that she was disciplined by the state of New York for unprofessional conduct in a Consent Order issued September 15, 1995 for the same acts described in paragraphs 4 through 8 above. The New York Consent Order is attached and incorporated by reference.

10. Respondent, to date, has complied with the provisions of the New York Consent Order.

11. There was no allegation of or any evidence of drug diversion or substance abuse by Respondent in New York.

12. Respondent admits the conclusions of unprofessional conduct set forth below in the Board's Order.

13. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.

14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

15. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

16. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Commission.

17. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

18. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

Based on the stipulation above it is ORDERED AND ADJUDGED as follows:

A. By engaging in the conduct described in paragraphs 3 through 9, Respondent acted unprofessionally pursuant to 26 V.S.A. §1582(a)(7)(conduct likely to deceive, defraud or harm the public) and 3 V.S.A. §129(a)(6)(board may discipline licensee for unprofessional conduct in committed in another jurisdiction) and as defined by Nursing Board Rule IV.B.5 (falsifying or making misleading or inaccurate entries in records)(effective through May 31, 1995).

B. The Board of Nursing REPRIMANDS Respondent and CONDITIONS her license as follows:

(1) Re-issue of License.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labelled "conditioned".

(2) Length of Time Conditions Imposed.

These conditions shall remain in place until Respondent petitions the Board and submits proof, to the Board's satisfaction, that she has successfully completed all terms of probation imposed by the state of New York and has had her nursing privileges fully restored by the state of New York.

(3) Notification of Vermont Employment.

If Respondent accepts employment to work in nursing in Vermont, whether full time or part-time, or otherwise works in nursing in Vermont, Respondent shall notify the Board within 48 hours of the name and address of the Vermont employer or where she is practicing in Vermont.

(4) Notification to Vermont Employers.

If Respondent works in nursing in Vermont, Respondent shall provide a copy of this Stipulation and Consent Order to all Vermont employers in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of such Vermont employment, Respondent shall cause her immediate supervisor or collaborating physician to write to the Board, on the employer's or physician's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(5) Reports from Vermont Employers.

Within one (1) month of the date of any Vermont employment, and every month thereafter, Respondent shall cause her immediate supervisor, or collaborating physician, or Chief collaborating physician if employed by a physician's group, to submit evaluation of Respondent's performance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead.

(6) Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving her notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

(7) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board in writing to remove any and all conditions on her license and after formal review by the Board, her advanced practice nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that she has fully complied with all the terms of this Stipulation and Consent Order.

Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal.

C. By signing this Stipulation and Consent Order, Respondent authorizes her employer or employers to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Stipulation and Consent Order is in effect.

D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 12/3/96

by: Diane Zamos
Diane Zamos
Assistant Attorney General

PATRICIA PERNOSKI FISK

Dated: 12/96

Patricia F. Fisk
Patricia Pernoski Fisk
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12/9/96

by: Brenda B. Smith
Chairperson

Date of entry: 12-10-96

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X
IN THE MATTER

of the

Disciplinary Proceeding

against

PATRICIA H. FISK

APPLICATION FOR
CONSENT ORDER

CAL. NO. 15493

who is currently licensed to practice
as a registered professional nurse in
the State of New York.
-----X

STATE OF)

ss:

COUNTY OF)

PATRICIA H. FISK, being duly sworn, deposes and says:

That on or about August 21, 1981 I was licensed to practice as
a registered professional nurse in the State of New York, having
been issued license No. 337309 by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice as a registered professional nurse in the
State of New York from an address at: 125 Putman Street,
Bennington, Vermont 05201.

That I have been charged with one (1) specification of
professional misconduct, a copy of which is annexed hereto, made a
part hereof, and marked as Exhibit "A".

PATRICIA H. FISK

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Patricia H. Fisk
Respondent

Sworn to before me this

day of

Rose Ann Fisk
NOTARY PUBLIC

EXHIBIT "A"

PATRICIA H. FISK

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with unprofessional conduct within the meaning and purview of Section 6509(9) of the Education Law of the State of New York, in specific violation of 8 NYCRR 29.1(b)(1) and 10 NYCRR 80.51(c), in that:

At all times hereinafter mentioned, Respondent was employed and practicing the profession of nursing at St. Mary's Hospital, located in Troy, New York.

a. On or about May 24, 1994, Respondent signed the name of a co-worker, one J.M., a registered professional nurse, on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 150 mg. of Pentothal, a controlled substance. In truth and in fact, Respondent willfully signed J.M.'s name on the Anesthesia Controlled Drug Record with knowledge that J.M. had not witnessed the abovementioned wastage of 150 mg. of Pentothal on May 24, 1994.

b. On or about May 25, 1994, Respondent signed the name of a co-worker, one J.M., a registered professional nurse, on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 2 cc of Fentanyl, a controlled substance. In truth and in fact, Respondent willfully signed J.M.'s name on the Anesthesia Controlled Drug Record with knowledge that J.M. had not witnessed the abovementioned wastage of 2 cc of Fentanyl on May 25, 1994.

c. On or about May 27, 1994, Respondent signed the name of a co-worker, one J.M., a registered professional nurse, on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 7 cc of Fentanyl, a controlled substance. In truth and in fact, Respondent willfully signed J.M.'s name on the Controlled Drug Record with knowledge that J.M. had not witnessed the abovementioned wastage of 7 cc of Fentanyl on May 27, 1994.

d. On or about July 7, 1994, Respondent signed the name of a co-worker, J.M., a registered professional nurse, on the Anesthesia Controlled Drug Record, as having witnessed the wastage of 5 cc. of Fentanyl, a controlled substance. In truth and in fact, Respondent willfully signed J.M.'s name on the Anesthesia Controlled Drug Record with knowledge that J.M. had not witnessed the abovementioned wastage of 5 cc of Fentanyl on July 7, 1994.

e. On or about July 22, 1994, Respondent signed the name of a co-worker, one J.M. a registered professional nurse, on the Anesthesia Controlled Drug Record as having witnessed the wastage of 11 cc of Fentanyl, a controlled substance. In truth and in fact, Respondent willfully signed J.M.'s name on the Anesthesia Controlled Drug Record with knowledge that J.M. had not witnessed the wastage of 11 cc of Fentanyl on July 22, 1994.

EXHIBIT "B"

TERMS OF PROBATION

PATRICIA H. FISK

CALENDAR NO. 15493

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing Respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - Sixth Floor, New York, New York 10016-5802, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That Respondent shall have quarterly performance reports submitted to the New York State Education Department, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, from Respondent's employer, evaluating Respondent's performance in the practice of nursing in Respondent's place of employment, said reports to be prepared by Respondent's supervisor or employer;
4. That Respondent shall, within the first year of the period of probation, perform 50 hours of public service to be selected by Respondent and previously approved, in writing, by the New York State Education Department and Respondent shall submit satisfactory proof of performing such public service, within ten (10) days after the completion thereof, to the Executive Director, Office of Professional Discipline, addressed as above;
5. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;

PATRICIA H. FISK

Cal. No. 15493

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6. That Respondent shall submit written proof to the NYSED, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
7. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

IN THE MATTER
of the
Disciplinary Proceeding
against
PATRICIA H. FISK

APPLICATION FOR
CONSENT ORDER

CAL. NO. 15493

who is currently licensed to practice as a registered professional nurse in the State of New York.

The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Dated: May 22, 1995

Respondent

Dated: , 1995

Attorney for Respondent

Dated: June 3, 1995

Member of the State Board
for Nursing

Dated: 11, 1995

Executive Director

Office of Professional Discipline

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Practice to review this Application for a Consent Order, has reviewed said Application and recommends to the Board of Regents that the Application be granted.

Dated: 10/4 20, 1995

Member, Board of Regents

KJA:ebc



The University of the State of New York

IN THE MATTER

OF

PATRICIA H. FISK
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 15493

Upon the application of PATRICIA H. FISK, under Calendar No. 15493, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (September 15, 1995): That the application of PATRICIA H. FISK, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and SO ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.



The University of the State of New York

X-----X
IN THE MATTER

OF

PATRICIA H. FISK

(REGISTERED PROFESSIONAL NURSE)
-----X

STATE OF NEW YORK)

SS.:

COUNTY OF ALBANY)

ANTHONY E. SIGNORACCI being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, Cultural Education Center, Empire State Plaza, Albany, New York 12230.

On the 20~~th~~ day of SEPTEMBER 1995, I personally delivered to the Empire State Plaza Postal Office the Duplicate Original Vote of the Board of Regents and Order under Calendar No. 15493, and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 125 Putman Street, Bennington, Vermont 05201.

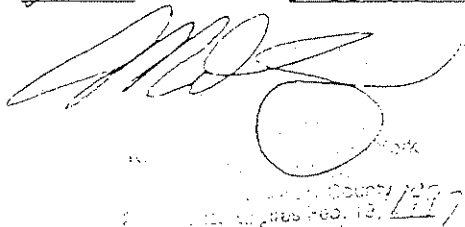
Certified Mail Receipt No. 2024 008 916

The effective date of the Order being the 25~~th~~ day of SEPTEMBER 1995.

Anthony E Signoracci

Sworn to before me this

2nd day of October, 1995


Notary Public
County of Albany
New York
My Comm. Expires 12/1/97

PATRICIA H. FISK (15493)

IN WITNESS WHEREOF, I, Daniel W. Szetela,
Deputy Commissioner for the
Professions, for and on behalf of the
State Education Department and the
Board of Regents, do hereunto set my
hand, at the City of Albany, this 15th
day of September, 1995.



DANIEL W. SZETELA
DEPUTY COMMISSIONER
FOR THE PROFESSIONS